

1 Jacqueline Bradley - Direct - Schwegler 118
2 Court. That was a legitimate argument. I
3 would not argue otherwise to this Court.

4 THE COURT: I have allowed photographs of
5 the deceased where it is probative and
6 necessary to establish a particular aspect of
7 the case. But, the Courts are also clear that
8 photographs, particularly morgue photographs,
9 are not admissible if they are offered for
10 prejudicial purposes. And I would view that
11 to be the case in this instance. Enough said.
12 Jury down.

13 (Whereupon the jury was then present.)

14 THE COURT: Okay. Let us resume with the
15 next witness.

16 MR. SCHWEGLER: Jacqueline Bradley,
17 please.

18 J A C Q U E L I N E B R A D L E Y, Buffalo, New
19 York, having been duly called and sworn as a witness on
20 behalf of the People, testified as follows:

21 DIRECT EXAMINATION BY MR. SCHWEGLER:

22 Q. Good afternoon, Miss Bradley. Miss Bradley,
23 you live in the City of Buffalo?

24 A. Yes.

25 Q. How long have you lived in Buffalo?

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2 A. All my life.

3 Q. What is your educational background, if you
4 would?

5 A. I'm a graduate from high school, from the
6 Catholic School, Chicago, Illinois. Now, I'm a CNA,
7 certified nursing assistant.

8 Q. Are you employed at this time?

9 A. Yes.

10 Q. In what capacity, what do you do?

11 A. I'm a certified nursing assistant.

12 Q. Do you have any children?

13 A. Yes.

14 Q. How many?

15 A. Two.

16 Q. Young children or older?

17 A. Young.

18 Q. Miss Bradley, before we go any farther, I'd
19 like to bring out with you that incident back in 1996
20 where you appeared before Judge Margaret Anderson over
21 in City Court, do you recall that?

22 A. Yes.

23 Q. At that time did you plead guilty to the Class
24 A misdemeanor of petit larceny?

25 A. Yes.

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2 Q. Okay. That related to receiving some social
3 welfare benefits and food stamps while you were
4 working?

5 A. Yes.

6 Q. As part of that agreement -- pardon me, as
7 part of that plea did you sign a confession saying I
8 owe this much money and agree to pay it back?

9 A. Yes.

10 Q. Have you paid some of that money back?

11 A. Half of it's paid, I'm still paying.

12 Q. Okay. Does that come out of each check?

13 A. Yes.

14 Q. Have you ever been convicted of any other
15 crimes?

16 A. No.

17 THE COURT: I advise the jury this
18 evidence is adduced solely and only on the
19 question of general credibility.

20 BY MR. SCHWEGLER:

21 Q. Miss Bradley, let's turn our attention now to
22 Tomika Nicole Means. Did you know this young lady?

23 A. Yes.

24 Q. How long had you known Tomika prior to her
25 death in May of 1997?

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2 A. Fourteen and a half years.

3 Q. Have you known each other since you were
4 children, then?

5 A. Yes.

6 Q. Did you and she spend a good deal of time
7 together?

8 A. Yes.

9 Q. In fact, were you with her the morning that
10 she was shot on Chelsea Place near East Delavan?

11 A. Yes.

12 Q. Before we get up to that scene, I'd like you
13 to take us back to the evening before May 26th, May
14 26th being early Monday morning, take us back into
15 Sunday evening starting at about 9:00 P.M. Did you and
16 Tomika, were you together at about that time?

17 A. Yes.

18 Q. Tell the jury briefly where you were and what
19 you were doing and what your plans were.

20 A. She came to my house about 9:00. She just
21 came from the movies from her mother. We sat there,
22 looked at photos, back and forth, clothing magazines.
23 Then we decided to go out. I asked my mother would she
24 watch the children, she said yes. From there we left
25 to my house, picked up my clothing, went to her house.

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2 I did her hair. We left there about 12:00^{Time}, 12:30, went
3 to pick her cousin Shaneel up because Shaneel was going
4 to drive the car. And, first place we went to was --
5 it was this club called -- I'm trying to think of the
6 name.

7 Q. Slow down. After you -- if I may interrupt
8 you, after you did Tomika's hair, you were with Shaneel
9 at that time, were you?

10 A. No, we didn't pick up Shaneel until after
11 12:30.

12 Q. Okay. At some point did you decide -- you
13 decided to go out with your friend, correct?

14 A. Yes.

15 Q. At some point did you go to the Squeeze Bar at
16 Main and Tupper?

17 A. That was after we picked up Shaneel we went to
18 the Squeeze.

19 Q. You pick up Shaneel, you go to the Squeeze,
20 you're with Shaneel and Tomika at the Squeeze?

21 A. Yes.

22 Q. How long do you stay there?

23 A. About twenty minutes.

24 Q. Okay. Do you consume any alcoholic beverage
25 there?

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2 A. No.

3 Q. At the Squeeze?

4 A. No.

5 Q. Not a one?

6 A. No.

7 Q. And who all leaves from the Squeeze with you
8 and Tomika and Shaneel?

9 A. Just us.

10 Q. Where did you go?

11 A. To Birchfield's.

12 Q. Is that a tavern up at Main and Glenwood?

13 A. Yes.

14 Q. What time did you arrive at Birchfield's, if
15 you recall?

16 A. Had to be about 1:20, almost 1:30.

17 Q. That's the three of you?

18 A. Yes.

19 Q. Did Shaneel meet up with a friend at
20 Birchfield's?

21 A. Her boyfriend.

22 Q. Okay. Now, did she go off with him then for
23 that remainder?

24 A. No, she didn't leave yet. We dropped her off,
25 when we left Birchfield's, we dropped her off.

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2 Q. How long did you stay at Birchfield's, you and
3 Tomika?

4 A. I'd say hour, hour and a half.

5 Q. Did you have anything to drink there at that
6 time?

7 A. Yes, two drinks there.

8 Q. What were you drinking?

9 A. We was drinking brandy.

10 Q. Singles?

11 A. Yes.

12 Q. Did there come a time when you decided to
13 leave Birchfield's?

14 A. Yes, it was a fight broke out so we decided to
15 leave.

16 Q. Okay. Did you finish your second drink there?

17 A. No.

18 Q. So did you leave part of that second drink on
19 the bar when you left?

20 A. Yes.

21 Q. Because there was trouble, you decided to
22 leave, you and Tomika?

23 A. Yes.

24 Q. Was she driving?

25 A. Yes.

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2 Q. You were riding as a passenger?

3 A. Uh-hum.

4 Q. Shaneel did not leave with you?

5 A. Yes, she was still with us. We dropped her
6 off at Wyoming with her boyfriend.

7 Q. All right.

8 A. Then from there we went to O'Boys.

9 Q. O'Boys is a tavern located where?

10 A. On Dartmouth and Bailey.

11 Q. Do you recall approximately what time you got
12 to O'Boys?

13 A. It was around 2:00.

14 Q. All right. And how long did you stay at
15 O'Boys?

16 A. Until closing.

17 Q. And you yourself, did you have any alcoholic
18 beverage at O'Boys?

19 A. We had two drinks there.

20 Q. Two more. Okay. Same thing, single brandies?

21 A. Yes.

22 Q. At approximately 4:00 A.M. -- strike that,
23 please. When you dropped Shaneel off on Wyoming, had
24 you and she and Tomika made plans to meet up later?

25 A. Yes, we was going to come back and pick

1 Jacqueline Bradley - Direct - Schwegler 126
2 Shaneel up.
3 Q. And do what?
4 A. We was going to get something to eat and then
5 go home.
6 Q. All right. About what time did you leave
7 O'Boys with Tomika?
8 A. It was like 4:00.
9 Q. Okay. Where did you go when you left O'Boys?
10 A. Back on Wyoming to pick Shaneel up.
11 Q. How did you get there?
12 A. We went down Bailey to Delavan, west on East
13 Delavan to Wyoming.
14 Q. Okay. So Wyoming runs off of East Delavan?
15 A. Yes.
16 MR. SCHWEGLER: At this point, Your
17 Honor, I think it might be helpful if I might
18 have the other exhibit, ask this witness to
19 come down and show us the route she took, if I
20 may have that.
21 THE COURT: You may.
22 BY MR. SCHWEGLER:
23 Q. With the Court's permission, I would like to
24 ask Miss Bradley to step down and utilize this pen to
25 draw the route you took from O'Boys to Shaneel's, and

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2 then I'll have you speak very loudly and take us
3 through the rest of your travels that evening, all
4 right? If you would, please, circle O'Boys, the tavern
5 you left at 4:00 A.M. Now, you proceeded down Bailey
6 Avenue, did you, to Delavan?

7 A. Yes.

8 Q. Please draw a line down there to Delavan
9 Avenue. When you reached Delavan, which way did you
10 go? You turned right and you were headed then in a
11 westerly direction?

12 A. West.

13 Q. Please draw to where you stopped to turn to go
14 to your cousin -- your friend's cousin Shaneel's house
15 on Wyoming Avenue.

16 A. Went right on Wyoming.

17 Q. And what was Shaneel's house number?

18 A. The address was 421.

19 Q. 421.

20 A. We pulled into the driveway. We blew the horn
21 like two or three times. Shaneel didn't come out so we
22 decided to go get something to eat and come back.

23 Q. Circle 421 for us, please. Show the jury how
24 you came back down on Wyoming.

25 A. We came back down Wyoming to Delavan.

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2 Q. Turned which way?

3 A. Another right.

4 Q. So you're going west again?

5 A. Yes.

6 Q. You're passing by what streets, Humber?

7 A. Humber and Deerfield, when you get to

8 Deerfield --

9 Q. Speak up, please.

10 A. When we came to Deerfield, a car pulled out,
11 and we was going straight. Before we got to Delavan
12 and Grider, before we got to the Mobil gas station, we
13 was on the left-hand side, the car was on the right,
14 and they made a left-hand turn and almost hit the car.
15 Tomika blew the horn, so we kept going. When we got --

16 Q. Let me slow you down, if I may. You got up
17 here, just past Durham heading west, is that when that
18 car --

19 A. No, it came out at Deerfield.

20 Q. When did that car cut in front of you, almost
21 causing the accident?

22 A. Before we got to the corner of Grider and East
23 Delavan by the Mobil gas station, it cut in front of
24 us.

25 Q. Okay. Why don't you put an X right where the

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2 car cut in front of you, if you would approximately.
3 Put your initials next to it there. Okay. After that
4 car pulled -- let me -- well, I'll do that on the
5 stand. Go ahead and continue. Which way did you go?
6 You kept going west on East Delavan, did you?

7 A. Yes.

8 Q. Step over this way, perhaps you can see it
9 better going this way.

10 A. We kept going up East Delavan till we got to
11 East Dell -- East Delavan and Fillmore.

12 Q. Let me ask you this, Miss Bradley. As you're
13 going along, are there red lights at some of these
14 other intersections?

15 A. Yes, at Deerfield and at Grider and at
16 Chelsea.

17 Q. Did you hit any of those red lights or did you
18 catch green all the way as you were going west?

19 A. Caught green all the way.

20 Q. Until you reached Fillmore Avenue?

21 A. Yes.

22 Q. There you encountered a red light?

23 A. Yes.

24 Q. What lane of traffic are you in, are you in
25 the curb lane or are you in the second lane?

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2 A. Curb lane.

3 Q. Okay. What happens as you're stopped at the
4 red light at Fillmore and East Delavan?

5 A. The car pulled next to us, our window was
6 down.

7 Q. Speak way up.

8 A. Our window was down, they rolled the window
9 down, he quoted, "You lucky you ain't no Nigger,"
10 twice.

11 Q. Let me stop you now. Who made that comment,
12 "You lucky you ain't no Nigger"? Who said that?

13 A. He did.

14 Q. The passenger or the driver?

15 A. The passenger.

16 Q. Okay. He said that across to --

17 A. Both to me and Tomika.

18 Q. Did either of you make a response?

19 A. No.

20 Q. On hearing that?

21 A. No.

22 Q. After hearing that comment -- you say that the
23 person that said that to you said it twice?

24 A. Yes.

25 Q. On hearing that, did you decide to continue on

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2 and have something to eat or not?

3 A. No, we decided to go home. So we made a right
4 on Fillmore and a right on Appenheimer, that's when I
5 noticed they was in back of us. I told her, "They in
6 back of us." She said, "Don't worry about it." She
7 said, "Okay."

8 THE COURT: I'm sorry, I don't think
9 that's a good place to -- to be developing the
10 testimony. You may develop her path of travel
11 up to Chelsea.

12 BY MR. SCHWEGLER:

13 Q. All right. Let's do that, Miss Bradley, if
14 you would. Go ahead and draw what your route was. You
15 went across Appenheimer, you turned right on Chelsea,
16 almost made it to Delavan, is that correct?

17 A. Yes.

18 Q. Go ahead and resume your seat so we have the
19 microphone, then we'll perhaps have you come back.
20 You've told us as you reached Fillmore and East Delavan
21 that that particular comment was made to you. What did
22 you take that to mean when that was made to you and
23 Tomika?

24 A. We wasn't a guy.

25 MR. LoTEMPIO: Objection.

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2 THE COURT: Excuse me, I'll allow her to
3 testify what her mindset was with respect to
4 that remark so that it's solely her state of
5 mind as to its meaning. Go ahead.

6 BY MR. SCHWEGLER:

7 Q. What did that mean to you when he made that
8 remark?

9 A. We wasn't a guy, a dude, men.

10 Q. Okay. You're lucky you're women, not men?

11 A. Right.

12 Q. Okay. As you made your turn on Appenheimer --
13 strike that, on Fillmore, then down Appenheimer, you
14 say you became aware that a car was then behind you?

15 A. Yes.

16 Q. Did you recognize it as the same car that had
17 just pulled alongside of you?

18 A. Yes.

19 Q. Let me take you back to the intersection for a
20 moment. At Fillmore and East Delavan, is that a well
21 lit intersection?

22 A. Yes.

23 Q. If you were on the inside lane and the car
24 pulled up, the passenger would have been directly next
25 to Tomika, Tomika's driving here, then the car pulled

1 Jacqueline Bradley - Direct - Schwegler 133
2 up on your left?

3 A. Right.

4 Q. Okay. The passenger in that car was a man?

5 A. Yes.

6 Q. That made the comment? He would have been
7 right next to Tomika at that point?

8 A. Right.

9 Q. Okay. And you're sitting next to Tomika in
10 her car?

11 A. Yes.

12 Q. And you heard clearly the remark that he made?

13 A. Yes.

14 Q. Did you have a good view of that man?

15 A. Yes.

16 Q. At that point? Okay. Was it an unobstructed
17 view, nothing in your way?

18 A. No.

19 Q. You were looking right in front of Tomika and
20 were able to see?

21 A. Right.

22 Q. Okay. As you're going down Appenheimer, you
23 notice the same car is following you and you bring that
24 to Tomika's attention?

25 A. Yes.

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2 Q. And what does she say?

3 A. She said, "Don't worry about it, okay."

4 Q. Okay. Tell the jury what happened after you
5 made your turn onto Chelsea and were proceeding up
6 toward the intersection of East Delavan Avenue.

7 A. We turned on Chelsea and before we got to the
8 intersection, the car pulled up and cut us off. He got
9 out of the car, came on my side. When he got out of
10 the car, he pulled the gun out. We saw him pull the
11 gun out. He came on my side, leaned in through the
12 window. I reached over and looked at him, I touched
13 him. I said, "It ain't worth it." He said: F that,
14 you know, B. And then he shot.

15 Q. Let me just interrupt you and ask you, for the
16 sake of clarity, would you state specifically what he
17 said without just the initials? He leaned in the
18 window, what did he say?

19 A. "Fuck that, bitch."

20 Q. Okay. Immediately after saying that, what
21 happened?

22 A. He shot.

23 Q. Okay. How far away from you was the person
24 that shot your friend Tomika Means?

25 A. Just inches away.

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2 Q. Okay. Did you get a look at the gun that he
3 had used?

4 A. Yes.

5 Q. What did the gun look like?

6 A. It was silver with the revolver, and a gray
7 handle -- like a brown handle.

8 Q. When that car pulled in front of you, where
9 were the headlights of Tomika Means' car pointing?

10 A. Straight ahead.

11 Q. Did they light up that car in front of you?

12 A. Yes.

13 MR. LoTEMPIO: Objection, leading.

14 THE COURT: Sustained as to leading.

15 BY MR. SCHWEGLER:

16 Q. All right. Describe what you saw in the
17 headlights of Tomika's car, if you would.

18 A. I saw him, when he got out, when he pulled the
19 gun out and when he came towards the car.

20 Q. Do you see the man in the court that shot your
21 friend Tomika Means on May 26th?

22 A. Yes.

23 Q. Would you please point at him and tell us what
24 he's wearing?

25 A. Right here with the white shirt and the

1 Jacqueline Bradley - Direct - Schwegler 136
2 colored tie.

3 Q. Let the record reflect the identification of
4 defendant Cory Epps. Immediately on seeing and hearing
5 that shot, what do you observe next?

6 A. He ran back to the car. I grabbed the
7 cellular phone and I tried it, 911. She looked over at
8 me and came towards me, blood was everywhere. I'm
9 trying to still dial 911, it wouldn't go through. I
10 told her to keep breathing. And, I got out and ran to
11 the pay phone. This lady from two houses down heard me
12 screaming. I told her to call my mother. And, by then
13 I was on the phone with 911. He told me to go back
14 over to see if she was breathing or if she had a pulse.
15 When I went back over, she was laying on the steering
16 wheel and that's when the ambulance and police came.
17 They pulled me away.

18 Q. They were there relatively quickly?

19 A. Yes.

20 Q. Weren't they?

21 A. Yes.

22 Q. Miss Bradley, I'm going to show you a couple
23 of these photos, then I'm going to move on. Let me
24 just put up here People's 10 in evidence. Would you
25 tell us what that photograph shows us, please?

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2 A. The red Alfa Romeo that she was driving that
3 night.

4 Q. That shows us the passenger side, is that
5 where you were seated?

6 A. Yes.

7 Q. Okay. And as we look kitty-corner across the
8 street to the southeast corner, do you recognize that
9 as Sam's Delicatessen?

10 A. Yes.

11 Q. Okay. Let me put up People's -- well, let me
12 show you People's 13, first of all.

13 THE COURT: Has 13 been marked?

14 MR. SCHWEGLER: Only for identification,
15 Your Honor.

16 MR. LoTEMPIO: Judge, I have no objection
17 to the photo being entered into evidence.

18 THE COURT: It may be received.

19 (Whereupon People's Exhibit 13 was
20 received in evidence.)

21 BY MR. SCHWEGLER:

22 Q. Would you tell us what that shows, please?

23 A. The store where the pay phone was at.

24 Q. Is that the pay phone that you ran across the
25 street to and made that 911 call?

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2 A. Yes.

3 Q. Once the officers and medical people began
4 arriving on the scene, were there quite a few of them
5 coming one after the other, do you recall?

6 A. Yes.

7 Q. All right. Does one -- or, does one officer
8 approach and ask you can you describe what happened
9 and/or the vehicle that they were in?

10 A. Yes.

11 Q. What do you tell that initial officer at this
12 point?

13 A. Told him exactly what the guy was wearing, how
14 he looked, that I knew him, I didn't know his name but
15 I knew who he was because I seen him before. I told
16 him the description of the car.

17 Q. Okay. How did you describe the vehicle at
18 that point?

19 A. It was a gray to a light blue Oldsmobile Delta
20 88 or could have been a Pontiac 6000. It was close to
21 an Oldsmobile.

22 Q. All right. Would it be fair to say that you
23 were quite distraught and upset at that point?

24 A. Yes, I was.

25 Q. All right. Did there come a point in time

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2 when you recall meeting Officer Bratton, the lady who
3 testified here first, and her partner, Officer Deane
4 Hoefler, that morning?

5 A. Yes.

6 Q. And did you go with them back to their patrol
7 car as it was parked up on East Delavan?

8 A. Yes.

9 Q. In talking with them, are you able to compose
10 yourself more and start calming down in the course of
11 that?

12 A. Yes, a little, yes.

13 Q. All right. And while you're with Officer
14 Bratton, does your mother not show up?

15 A. Yes, she did.

16 Q. Okay. Did you find that helpful, also?

17 A. Yes.

18 Q. As you're at Officer Bratton's car and your
19 mom arrives, do you get out to greet her and vice
20 versa?

21 A. Yes.

22 Q. Okay. And at that point does a police officer
23 bring back a person and say is this the guy or can you
24 identify him?

25 A. Yes.

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2 Q. And what do you say?

3 A. No, it wasn't him.

4 Q. Were you certain of that?

5 A. Yes, positive.

6 Q. Does a similar thing occur one or more times
7 in addition to that first one, that is that an
8 individual is brought back in your presence or in that
9 vicinity and you walked over and looked in to see if
10 that was the person that shot your friend?

11 A. Two others.

12 Q. And on each occasion, what did you say?

13 A. It wasn't him.

14 Q. Okay. As distraught as you were at that
15 point, were you certain?

16 A. I was positive.

17 Q. Do you go with Officer Bratton and her partner
18 and your mom in the patrol car and begin heading
19 downtown to the homicide office in order that you might
20 speak with those detectives, give a statement?

21 A. Yes.

22 Q. Okay. And in going downtown with Officer
23 Bratton, do you then give a physical description of the
24 persons you saw, the driver who cut you off and the
25 person that got out and shot your friend?

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2 A. Yes.

3 Q. Once you arrived at homicide, did you give a
4 statement to the officers there?

5 A. Yes.

6 Q. Then you and your mom went home?

7 A. Yes.

8 Q. Now, that was early Monday morning. I'd like
9 to now move you ahead a day, direct your attention to
10 Tuesday, shortly after noon. Do you recall going out
11 to the Town of Tonawanda Police Department with members
12 of the Buffalo Homicide Squad?

13 A. Yes.

14 Q. What was your purpose in going there?

15 A. I was doing a sketch.

16 Q. Did you meet Detective Robert Vanderwerf out
17 at the Town of Tonawanda Police Department?

18 A. Yes.

19 Q. Okay.

20 THE COURT: Do you have any problem with
21 this area of proof, Mr. LoTempio?

22 MR. LoTEMPIO: No.

23 BY MR. SCHWEGLER:

24 Q. Describe to the jury the way -- did you, in
25 fact, compose a composite sketch?

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2 A. Yes.

3 Q. With his assistance?

4 A. Yes.

5 Q. Tell the jury how that's done, what you did,
6 what he did?

7 A. They showed me different pictures of noses,
8 mouths, ears, eyes. I picked out the noses and
9 everything. He had to do some coloring in, added a
10 hat, this still wasn't right. The face was too thin.
11 Then he widened the face and there it was.

12 Q. Okay. Did you direct him to do each of those
13 things?

14 A. Yes.

15 Q. To put in different eyes, to widen the face
16 and so forth?

17 A. Yes.

18 Q. Once the face was widened, was that the last
19 change that you made?

20 A. Yes.

21 Q. And what did you say at that point?

22 A. That was him.

23 Q. Okay.

24 MR. LoTEMPIO: No objection.

25 MR. SCHWEGLER: Your Honor, I understand

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2 counsel has no objection. I'd like to move
3 People's 16 into evidence, the composite.

4 MR. LoTEMPIO: There is no objection.
5 (Whereupon People's Exhibit 16 was
6 received in evidence.)

7 BY MR. SCHWEGLER:

8 Q. Miss Bradley, I'd like you to take a look at
9 People's 16 now in evidence on the monitor. Is that
10 the composite drawing that you composed with the
11 assistance of Detective Vanderwerf out in Tonawanda?

12 A. Yes.

13 Q. All right. That was one day after the
14 shooting of your friend?

15 A. Yes.

16 Q. Let us move ahead from May 27th, I'd like to
17 direct your attention now to July 30, 1997. Did you
18 attend a line-up procedure at Buffalo Police Department
19 Headquarters?

20 A. Yes.

21 Q. Would you describe that room and what
22 happened, to the ladies and gentlemen of the jury,
23 please.

24 A. It was like an auditorium with a one-way
25 glass. It was like they came out of a room and they

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2 all just stood in line.

3 Q. Okay. Were the -- well, if I may.

4 MR. LoTEMPIO: I have no objection.

5 MR. SCHWEGLER: No objection. Your
6 Honor, I would offer People's 18 and 19.

7 MR. LoTEMPIO: Judge, they're line-up
8 photographs, I have no objection.

9 THE COURT: Received.

10 (Whereupon People's Exhibits 18 and 19
11 were received in evidence.)

12 BY MR. SCHWEGLER:

13 Q. Miss Bradley, as you attended the line-up,
14 you're behind the one-way glass, did you see two
15 separate line-ups of six men?

16 A. Yes.

17 Q. Okay. And after the first line-up, did the
18 men switch positions?

19 A. Yes.

20 Q. They were all similarly attired in blue
21 sweatsuits?

22 A. Yes.

23 Q. All right. Let me put up on the display
24 People's 18 now in evidence. Do you recall that
25 photograph as being a true and accurate depiction of

1 Jacqueline Bradley - Direct - Schwegler 145
2 the first phase of the line-up you attended on July 30,
3 1997?

4 A. Yes.

5 Q. And on viewing that line-up, did you identify
6 one of those individuals as the man who shot your
7 friend Tomika?

8 A. Yes.

9 Q. Which man did you pick?

10 A. Number 3.

11 Q. Is that the defendant Cory Epps?

12 A. Yes.

13 Q. Approximately ten minutes later -- well,
14 strike that. After the first phase, did those six men
15 then leave your viewing area and go into a back area?

16 A. Yes.

17 Q. Okay. And then they came out about ten
18 minutes later?

19 A. Yes.

20 Q. And had switched the numbers and so forth,
21 apparently?

22 A. Yes.

23 Q. Showing you now People's 19, phase two of that
24 same line-up, did you pick out the individual in phase
25 two that shot your friend Tomika Means on May 26th?

1 Jacqueline Bradley - Direct - Schwegler 146

2 A. Yes.

3 Q. Which one did you pick out?

4 A. Number 1.

5 Q. That is the defendant Cory Epps?

6 A. Yes.

7 Q. I have but a few more questions I'm going to

8 ask you. If you would step down, we're going to use

9 the other drawing briefly, then return for one or more

10 questions, then you'll have some from counsel. All

11 right. Miss Bradley, I'm showing you now People's 3 in

12 evidence, do you recognize that as a rough drawing of

13 the intersection of Chelsea Place and East Delavan

14 Avenue?

15 A. Yes.

16 Q. And do you recognize Sam's Market there on the

17 southeast corner?

18 A. Yes.

19 Q. Okay. Do you see at Chelsea Place there, just

20 before East Delavan, a hand drawn diagram?

21 A. Yes.

22 Q. Okay. Would that approximate where Tomika's

23 vehicle was?

24 A. I think it's up a little bit too far.

25 Q. Okay. So in your mind it would be back a

1 Jacqueline Bradley - Direct - Schwegler 147
2 little bit farther?

3 A. Yes.

4 THE COURT: Miss Bradley, I'm going to
5 have to ask if you would speak up in light of
6 the large size of this room, please.

7 BY MR. SCHWEGLER:

8 Q. In your opinion, the drawing is a bit too far,
9 close to the intersection?

10 A. Yes.

11 Q. Okay. Having said that, why don't you draw
12 right next to it where you say the car was. Okay.
13 Now, draw in, if you would, the vehicle that came next
14 to Tomika's vehicle and cut you off, show this jury how
15 that vehicle cut you off. Put your initials in that,
16 would you, please. And would that, in fact, have the
17 passenger's side of that cut-off vehicle facing
18 directly at Tomika's headlights?

19 A. Yes.

20 Q. And close to the passenger's side of Tomika's
21 car where you were seated?

22 A. Yes.

23 Q. All right. Thank you. When those men were
24 brought back to the police vehicle and you said no, it
25 wasn't them, do you have any doubt in your mind now

1 Jacqueline Bradley - Cross - LoTempio 148
2 that you made a mistake or that you were incorrect in
3 saying it was not them?

4 A. No.

5 Q. Is there any doubt in your mind as you point
6 at Cory Epps and identify him as the shooter, that he
7 is, in fact, the shooter?

8 A. Yes.

9 Q. That he is the shooter?

10 A. Yes.

11 MR. SCHWEGLER: Thank you. Nothing
12 further.

13 MR. LoTEMPIO: Would you mark this?
14 (Whereupon a statement was received and
15 marked Defense Exhibit F for
16 identification.)

17 CROSS-EXAMINATION BY MR. LoTEMPIO:

18 Q. Ms. Bradley, the night of the shooting or the
19 early morning hours of the shooting, at some point you
20 were taken back to police headquarters, correct?

21 A. Yes.

22 Q. Okay. And by the time you're taken back to
23 police headquarters, some female officers have come to
24 the scene to console you?

25 A. Yes.

1 Jacqueline Bradley - Cross - LoTempio 149

2 Q. Okay. And then they put you in their police
3 car?

4 A. Yes.

5 Q. Continued to try and calm you down?

6 A. Yes.

7 Q. Okay. At some point your mother comes to the
8 scene of the crime?

9 A. Yes.

10 Q. She came right to where Tomika was shot in the
11 face, correct?

12 A. Yes.

13 Q. Okay. And you said that some bystander from
14 the street, you asked to call her?

15 A. Yes.

16 Q. Okay. At that point in time, she got in the
17 car with you and the police?

18 A. Yes.

19 Q. Okay. And Mr. Schwegler asked you about
20 whether or not that had a calming effect on you, can
21 you tell the jury, you know, what was the difference in
22 your demeanor once your mother got there?

23 A. It calmed me down a little bit.

24 Q. Okay. While you talked to the male officers
25 on the scene, you gave a description of the car that

1 Jacqueline Bradley - Cross - LoTempio 150

2 was involved, true?

3 A. Yes.

4 Q. Has Mr. Schwegler, Miss Carrington or anyone
5 from the DA's office ever played you the 911 tapes from
6 this case?

7 A. Yes.

8 Q. Okay. Did you hear on the 911 tapes that the
9 car that was continually described for the first three-
10 quarters of the transmissions was a Pontiac 6000?

11 A. I didn't hear it up to that.

12 Q. So they didn't play you that part of the tape?

13 A. No.

14 Q. Today you tell the jury that the first car you
15 used is an Oldsmobile, correct?

16 A. Right.

17 Q. Nobody ever played you the portions of the
18 tapes that they were pulling over Pontiac 6000's?

19 A. I didn't hear it up to that far because I was
20 getting upset by hearing the beginning.

21 Q. Now, that night when you went back to the
22 police station, would you say that you had calmed down
23 significantly by the time you gave a statement to the
24 police?

25 A. Yes.

1 Jacqueline Bradley - Cross - LoTempio 151

2 Q. Okay. And when you gave a description to the
3 police, you told the police how tall you thought the
4 man was that shot Tomika, true?

5 A. Right.

6 Q. Do you remember how tall you said the man was?

7 A. About five-nine, six foot.

8 Q. Showing you what's been marked as Defendant's
9 Exhibit F for identification, asking you to look where
10 my finger is, does that refresh your recollection as to
11 how tall you said the man was?

12 A. About five nine.

13 Q. Five eight or five nine, true?

14 A. That's what it say.

15 Q. You signed that statement at the end, true?

16 A. Yes.

17 Q. They asked you to read through it before you
18 signed it?

19 A. Yes.

20 Q. Okay. And you told the police that night that
21 the man was about five eight, five nine, true?

22 A. Yes.

23 Q. Okay. Now, today as you testified before the
24 jury and Mr. Epps sits in front of you in the
25 courtroom, you have had an opportunity to reflect on

1 Jacqueline Bradley - Cross - LoTempio 152

2 whether or not you know Mr. Epps, true?

3 A. Right.

4 Q. Do you know when it was the first time that it
5 dawned on you that you knew Mr. Epps?

6 A. When I picked him out on a line-up.

7 Q. Okay. When you sat in the back seat of the
8 car with the female police officers and your mother,
9 you never told them that you knew the man who shot
10 Tomika, did you?

11 A. I told them that I knew him but I did not know
12 his name.

13 Q. You told the female officer, Officer Bratton,
14 who testified before you today, that you knew the man,
15 is that your testimony?

16 A. That I knew him but I did not know his name.

17 Q. Did you see her in the hall before you came in
18 here today?

19 A. Yes.

20 Q. You're aware that she testified before you?

21 A. Yes.

22 Q. Now, at some point before the line-up --
23 withdrawn. You just told the jury that when you looked
24 at the line-up, you recognized Mr. Epps as somebody you
25 knew from the street aside from this shooting, correct?

1 Jacqueline Bradley - Cross - LoTempio 153

2 A. I recall that I seen him a few times out at
3 Birchfield's but I never knew his name.

4 Q. But you knew who he was on sight?

5 A. No, I didn't know his name, I knew by seeing
6 him, yes, by face, but I did not know his name.

7 Q. How many times did you think that you saw him
8 at Birchfield's before you saw him in the line-up?

9 A. A few times.

10 Q. Can you tell us the number?

11 A. A few times. We went out a majority of
12 weekends, it was some weekends, maybe not, I noticed a
13 few times that I saw him.

14 Q. After you made that composite sketch with the
15 Tonawanda Police, were any of the men that were brought
16 to you on the scene ever placed in a line-up for you?

17 A. No.

18 Q. Were they any of the participants in the line-
19 up that Cory Epps was in?

20 A. No.

21 Q. So you told the police in your police
22 statement that the person that did the shooting was
23 either five eight or five nine. Showing you what's
24 been previously marked as People's Exhibit 19 which is
25 now in evidence, pointing to Number 1, which is Mr.

1 Jacqueline Bradley - Cross - LoTempio 154

2 Epps, does it appear that he is approximately six foot
3 two or six foot three?

4 A. I can't see that far.

5 Q. Looking at People's Exhibit 18 in evidence,
6 looking at Number 3, that's Mr. Epps, isn't it?

7 A. Yes.

8 Q. The person you had seen in Birchfield's on
9 prior occasions, true?

10 A. Yes.

11 Q. And does it appear in that photograph that he
12 appears to be over six foot two?

13 A. That's what it say, I can't see that far
14 exactly what those numbers is.

15 Q. Letting you hold People's exhibit in your hand
16 and looking at it, there are demarcations behind each
17 of the men standing in the line-up, true?

18 A. Yes.

19 Q. And those appear to be the height of the
20 individual?

21 A. Yes.

22 Q. Where does Mr. Epps' head reach, what line?

23 A. Say six-two, I guess, six-two.

24 Q. It's not around the five eight, five nine
25 mark, is it?

1 Jacqueline Bradley - Cross - LoTempio 155

2 A. No.

3 Q. When you looked at that line-up, it dawned on
4 you that Mr. Epps is somebody you've seen in
5 Birchfield's before, true?

6 A. Yes.

7 Q. Any of the other people in the line-up, can
8 you be sure that they're not the people that were
9 brought back to you at the scene?

10 A. Positive.

11 Q. Have you ever seen any of them again?

12 A. No.

13 Q. Now, when you told the police about the facial
14 features of the man, you told them something about his
15 complexion, didn't you?

16 A. Yes.

17 Q. You told them that he had pimples on his face
18 or blemishes?

19 A. It was like slightly, you know, how you have
20 pimples, some of them turn into little brown or black
21 marks.

22 Q. Do you see any of those pimples or blemishes
23 on Mr. Epps' face now today, almost a year later?

24 A. No.

25 Q. Did you see them on his face in the line-up

1 Jacqueline Bradley - Cross - LoTempio 156

2 picture?

3 A. I wasn't that close so, no, I mean, I wasn't
4 that close to seeing him.

5 Q. Looking at him now, do you see any blemishes
6 on his face?

7 A. No.

8 Q. When they brought the first couple of people
9 back to you at the scene of the crime again, this is
10 before your mother got there?

11 A. Two of them was.

12 Q. Do you know what the names of the men were?

13 A. No.

14 Q. Were you ever told?

15 A. Yes.

16 Q. What were their names?

17 A. I don't recall.

18 Q. Did one of them end up being somebody you had
19 known from the street, also?

20 A. Yes, Patrick.

21 Q. Patrick Bush?

22 A. Yes.

23 Q. And he's the first one they showed you, true?

24 A. No, he was the last one.

25 Q. He was the last one. And that's while the

1 Jacqueline Bradley - Cross - LoTempio 157
2 female officer was there?

3 A. Yes.

4 Q. And you told the female officer that you knew
5 that guy from the street, didn't you?

6 A. No, I told her I knew who he was, I knew who
7 Patrick was, that's what I told her.

8 Q. You told the female officer that?

9 A. Yes.

10 Q. You told her that's how you could eliminate
11 him as being the suspect?

12 A. No, I knew who shot her, I was there and I
13 know it wasn't none of them.

14 Q. It wasn't Patrick Bush?

15 A. It wasn't none of them.

16 Q. You knew Patrick Bush prior to him being
17 showed up to you?

18 A. I been knowing him for years.

19 Q. Patrick Bush have anything to do with that red
20 Alfa Romeo?

21 A. No.

22 Q. Who owns that?

23 A. Kenyon Edwards.

24 Q. What does Kenyon Edwards do for a living?

25 A. I don't know.

1 Jacqueline Bradley - Cross - LoTempio 158

2 Q. Do you know where he got the money to pay for
3 an Alfa Romeo?

4 A. No.

5 Q. The other two people that were brought to see
6 -- for you to see, that was done before the female
7 officer got there, isn't that true?

8 A. Pardon me?

9 Q. That was done before the female officer got
10 there?

11 A. Repeat the question again.

12 Q. The other two people who were brought for you
13 to view --

14 A. No, that was during, while she was there.

15 Q. While the female officer was there?

16 A. Yes.

17 Q. All three of them were done while the female
18 officer was there?

19 A. Yes.

20 Q. And your name -- their name's were disclosed
21 to you, also?

22 A. Yes, but I don't recall their names.

23 Q. Donald Faison one of them?

24 A. I don't recall their names.

25 Q. Damien Morgan one of them?

1 Jacqueline Bradley - Cross - LoTempio 159

2 A. I heard of that, I heard that name.

3 Q. How did you hear that name?

4 A. It was mentioned to me, the names, the ones
5 they brought back.

6 Q. Who told you their names?

7 A. Their attorney, the district attorney.

8 Q. Mr. Schwegler told you their names?

9 A. Yes.

10 Q. He show you pictures of those people?

11 A. No.

12 Q. Anyone ever show you a single photograph, a
13 mug shot of Cory Epps?

14 A. Pardon me?

15 Q. Anyone show you a single photograph alone of
16 Cory Epps, a mug shot?

17 A. No, not alone.

18 Q. How about the other people that were brought
19 back to the scene?

20 A. No.

21 Q. When is it that somebody told you Cory Epps'
22 name?

23 A. The day of the line-up.

24 Q. Showing you what's been previously marked as
25 Defense Exhibit C for identification, who is that?

1 Jacqueline Bradley - Cross - LoTempio 160
2 A. That's Patrick.
3 Q. And you have known Patrick a long time?
4 A. Yes.
5 Q. That's one of the people they brought back in
6 the show-up?
7 A. Yes.
8 Q. And the female officer, Officer Bratton, was
9 there when that occurred?
10 A. Yes.
11 Q. Showing you what's been marked as Defense
12 Exhibit D, who is that?
13 A. I don't know.
14 Q. You said the district attorney showed you
15 photographs or told you names?
16 A. He told me names, never showed me photographs.
17 Q. Okay. Is this one of the people that was
18 brought back in the show-up?
19 A. Yes.
20 THE COURT: You want to stipulate as to
21 the name? You can ask Mr. Schwegler that.
22 BY MR. LOTEMPPIO:
23 Q. Who is that, Defense Exhibit A?
24 A. I don't know.
25 Q. Never saw the person before?

1 Jacqueline Bradley - Cross - LoTempio 161

2 A. No.

3 Q. Not one of the people that was brought back?

4 A. Yes, he was one of the persons brought back,
5 but I never saw him other than that.

6 Q. Which one, when was he brought back?

7 A. He was the first one.

8 Q. Okay. And that's the first one in time?

9 A. Yes.

10 Q. And you claim that that is -- when you claim
11 that the female officer, Officer Bratton was there when
12 that happened?

13 A. When all of them came, they was there.

14 Q. She was there?

15 A. Yes.

16 Q. So you weren't hysterical anymore when you saw
17 that person?

18 A. No.

19 Q. Was that person ever placed in a line-up?

20 A. No, not that I recall.

21 Q. Was he one of the stand-ins in the line-up
22 when you saw Cory Epps?

23 A. Not that I recall.

24 Q. Had you ever seen that person out at the bars
25 before?

1 Jacqueline Bradley - Cross - LoTempio 162

2 A. Yes.

3 Q. That person you've seen, also?

4 A. Yes.

5 Q. The night of this incident, you told the

6 police that you had seen the person, when you gave the

7 statement hours later in the police headquarters, hours

8 after the shooting, you told them that you had seen the

9 person in the bars before, true?

10 A. Yes.

11 Q. But at that point you had no names, did you?

12 A. Right.

13 Q. Showing you what's marked and in evidence as

14 People's 16, I'm leaving it on the bench for you,

15 that's the composite sketch that was developed the day

16 after the shooting, true?

17 A. Yes.

18 Q. Okay. Was there another composite sketch

19 developed?

20 A. No.

21 Q. Was -- did you assist in the development of a

22 composite sketch of the person who was driving the

23 shooter's car?

24 A. Yes, I did, a picture of her.

25 Q. So there was another composite?

1 Jacqueline Bradley - Cross - LoTempio 163

2 A. Well, yes.

3 Q. In your statement to the police that you
4 signed, did you say anything about the witness or the
5 shooter's driver having a baseball hat on?

6 A. Yes.

7 Q. Did you say anything about her having a
8 moustache or a beard?

9 A. No.

10 Q. Did you tell them that she had blemishes on
11 her face?

12 A. Yes, she had like bumps and marks on her face.

13 Q. So you told them the day after the shooting
14 that both the shooter and the driver had baseball hats
15 on?

16 A. Which they did.

17 Q. Both of them had blemishes all over their
18 face?

19 A. Which they did.

20 Q. You described, putting Defense Exhibit A for
21 identification in front of you next to the composite
22 sketch, you described the shooter as having a light
23 goatee or beard, true?

24 A. Light goatee.

25 Q. Looking at Defense Exhibit A for

1 Jacqueline Bradley - Cross - LoTempio 164
2 identification, does that man have a light goatee or
3 beard?

4 A. If you call it that, a goatee, it's not a
5 complete goatee.

6 Q. Does he have a beard and a goatee?

7 A. Yes, if you want to call it a goatee.

8 Q. Does he have a moustache?

9 A. Moustache, yes.

10 Q. Do you know how tall he is?

11 A. No.

12 Q. Do you know how much he weighs?

13 A. No.

14 Q. Has anybody placed that picture next to the
15 composite sketch for you before?

16 A. No.

17 Q. Jackie, how long did this whole incident take,
18 the actual shooting part of it?

19 A. It happened seconds, minutes.

20 Q. Have you ever been witness to a shooting
21 before?

22 A. No.

23 Q. The car you described basically is involved in
24 some type of vehicle altercation with you and Tomika
25 for about eight to fifteen blocks, would that be fair?

1 Jacqueline Bradley - Cross - LoTempio 165

2 A. Pardon me?

3 Q. How many blocks, how long was it, the mileage
4 that you and this other car, Tomika and this other car
5 were engaged in this altercation?

6 A. Like I said, we was just like right around the
7 block.

8 Q. How long did all of that take?

9 A. I don't know, I wasn't counting. I don't
10 know, I can't say.

11 Q. Give us an estimate.

12 A. Um, like I said, it was like minutes apart,
13 just minutes.

14 Q. Okay. And most of the time that you're
15 driving around on the streets, that car drove alongside
16 the driver's side of Tomika's vehicle, true?

17 A. No.

18 Q. Didn't you tell us that you were --

19 A. The car, when we got to the corner of Fillmore
20 and Delavan, that's when the car pulled next to us. It
21 was never like side to side until then.

22 Q. When it -- when it did, for that period of
23 time that it pulled next to you, it was on the driver's
24 side of your vehicle?

25 A. Yes.

1 Jacqueline Bradley - Cross - LoTempio 166
2 Q. Okay. Across the car from you?
3 A. Right.
4 Q. And it's still dark out at that point in time?
5 A. Right.
6 Q. Did you tell the police that this car had
7 tinted windows?
8 A. Slightly tinted windows.
9 Q. How did you know it had tinted windows?
10 A. You can look at them.
11 Q. Okay. Now, eventually the car pulls up in
12 front and blocks Tomika's route, true?
13 A. Right.
14 Q. And the man gets out of the driver's side of
15 the car, true?
16 A. Right.
17 Q. Pulls a gun out of his waistband?
18 A. Right.
19 Q. Describe the gun for the jury.
20 A. It was gray with a revolver and a handle part
21 was brown.
22 Q. Okay. And from the time he pulled the gun out
23 from his waistband till the time he shot Tomika in the
24 face, how long was it?
25 A. It was a matter of seconds.

1 Jacqueline Bradley - Cross - LoTempio 167

2 Q. How many seconds, estimate for us?

3 A. A couple of seconds, it happened so fast, I
4 mean, I wasn't counting. It happened so fast. He came
5 straight to the car, I mean, he stood there for a
6 minute with the gun, I say he had the gun in my face
7 for a good five, ten minutes -- well, five, ten
8 seconds, then he fired, after I said, "It ain't worth
9 it." He said, "Fuck that, bitch." Excuse my language,
10 then he fired.

11 Q. Is it your testimony that while some man is
12 leaning in the car with a gun in front of your face,
13 that you were looking at his face?

14 A. I looked at his face and I looked at the gun.

15 Q. You looked back and forth, back and forth at
16 his face?

17 A. I looked at him when I made the statement,
18 okay, the gun was in my -- the gun was like right at my
19 face when I made the statement, "It ain't worth it."
20 He said F that, bitch, and then shot it, the gun right
21 in my face, he's right in my face, of course I'm going
22 to look at him and I'm going to look at the gun.

23 Q. How many drinks did you have?

24 A. Four, it was four altogether, but I didn't
25 finish one of them.

1 Jacqueline Bradley - Cross - LoTempio 168

2 Q. Now you're telling us on direct that you had
3 four drinks, now you're saying it was three, maybe
4 three and a half?

5 A. It was four altogether, we ordered four
6 drinks. I had four, like I said, we didn't finish the
7 one at Birchfield's because that's when the fight broke
8 out and we left.

9 Q. Didn't you say on direct examination that you
10 had two drinks at Birchfield's, two drinks at O'Boy's?

11 A. Right, but we didn't finish the one at
12 Birchfield's.

13 Q. When you told the police how many drinks and
14 where you had them in your statement, do you remember
15 that that's not how you described where you had the
16 drinks and how many?

17 A. At Birchfield's and at O'Boy's, two drinks
18 there, two drinks at O'Boy's.

19 Q. I'd ask you to read the middle portion of your
20 statement, see if that refreshes your recollection?

21 A. He must have -- like I said, he must have
22 misprinted it or whatever, said four drinks at
23 Birchfield's, no, it was two at Birchfield's and two at
24 O'Boy's.

25 Q. So today you're saying that you told the

1 Jacqueline Bradley - Cross - LoTempio 169
2 police that the man was six feet tall and that there is
3 a mistake in here where it says five eight or five
4 nine?

5 A. I said five nine, six feet, two hundred fifty
6 pounds.

7 Q. That's not what's reflected in your statement,
8 is it?

9 A. That's what I told him.

10 Q. And today you're saying that you told them you
11 had two drinks at Birchfield's and two drinks at
12 O'Boy's but that's not what they typed in your
13 statement, either?

14 A. Yes, two drinks at Birchfield's and two drinks
15 at O'Boy's.

16 MR. LoTEMPIO: I have nothing further,
17 thank you.

18 REDIRECT EXAMINATION BY MR. SCHWEGLER:

19 Q. Miss Bradley, in fact, is there another error,
20 at least one in this statement relative to the address
21 of Shaneel?

22 A. Yes.

23 Q. That you looked at? What street does Shaneel
24 live on?

25 A. Shaneel lives on Delaware but we dropped her

1 Jacqueline Bradley - Redirect - Schwegler 170
2 off on Wyoming.

3 Q. And the statement says what street?

4 A. Wait a minute, I'm trying to find it.

5 THE COURT: The statement says what
6 street in connection with what question or
7 what context?

8 BY MR. SCHWEGLER:

9 Q. What street were they going to meet Shaneel
10 at?

11 A. Moselle, it said Moselle.

12 Q. Did you ever say that you were going to
13 Moselle?

14 A. No.

15 Q. That's a mistake, as well?

16 A. Yes.

17 Q. The description you gave the officers at the
18 scene immediately after the shooting, was that the
19 defendant was how -- or, strike that. The shooter was
20 how tall?

21 A. About five nine, six foot.

22 Q. Counsel has shown you several mug shots, in
23 looking at those mug shots does that inject any doubt
24 in your mind as to maybe that was the guy, maybe it's
25 him?

1 Jacqueline Bradley - Redirect - Schwegler 171

2 A. No.

3 Q. You're certain it's none of those men?

4 A. Positive.

5 Q. In fact, you did tell the officers that you
6 had seen the shooter from a club, but you didn't know
7 his name, correct?

8 A. Yes.

9 Q. Did you undertake with one or more officers to
10 go to that club quasi-undercover capacity, if you will,
11 to see if you could spot the shooter?

12 A. Yes.

13 Q. Did you have any good luck in locating the
14 shooter?

15 A. No.

16 MR. SCHWEGLER: Nothing further.

17 RECROSS-EXAMINATION BY MR. LoTEMPIO:

18 Q. Just for clarification purposes, Defense
19 Exhibit A for identification, one mug shot that you
20 said you had seen at Birchfield's before, have you
21 learned that his name is Damien Morgan?

22 A. I don't recall his name.

23 Q. So you remember everybody else's name but you
24 don't remember this one?

25 A. I don't recall his name.

1 Jacqueline Bradley - Recross - LoTempio 172

2 Q. But you remember Donald Faison's name?

3 A. Like I said, I'm not really good with the
4 names.

5 MR. LoTEMPIO: Nothing further.

6 THE COURT: Okay. Thank you, Miss
7 Bradley.

8 (Whereupon the witness then excused.)

9 THE COURT: I guess this would be a good
10 time to take a mid morning break for about
11 fifteen minutes or so. Ask the jury again to
12 refrain from discussion of the case.

13 (Whereupon a short recess was then taken
14 at approximately 3:10 P.M.)

15 (Proceedings commencing after short
16 recess at approximately 3:40 P.M. All
17 counsel, defendant present. Jury not
18 present.)

19 MR. SCHWEGLER: Your Honor, if I may
20 advise the Court as to scheduling, my next
21 witness will be Detective Masecchia. I
22 contacted the medical center, my last witness
23 will be Dr. Baik, he's unavailable this
24 morning. I've asked that he be in for 9:30
25 court tomorrow.

